

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HCL AMERICA INC.,

Plaintiff,

v.

KARTHIK VENKATESAN,

Defendant.

CASE NO. C20-0331-JCC

ORDER

This matter comes before the Court on Plaintiff's motion to extend the deadline to serve Defendant and to permit service by publication (Dkt. No. 10). Having thoroughly considered the parties' briefing and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

**I. BACKGROUND**

In 2013, Defendant was hired by Plaintiff as a sales director. (Dkt. No. 1 at 2.) Defendant lived in Ohio but travelled to Washington to perform his work duties and received reimbursement for business-related expenses. (*Id.*) In 2017, Plaintiff learned that Defendant had been living in the Seattle area since January 2016 but had continued to bill travel expenses until August 2017, including reimbursement for flights, hotels, and meals, totaling nearly \$200,000. (*Id.* at 4.) In 2020, Plaintiff commenced this suit and has made numerous attempts to effectuate service on Defendant without success. (Dkt. No. 10.) Plaintiff now requests a 60-day extension

1 of the service deadline and permission to effect service by publication. (*Id.*)

## 2 **II. DISCUSSION**

### 3 **A. Extension of Service Deadline**

4 Federal Rule of Civil Procedure 4(m) sets a 90-day period for service upon a defendant,  
5 at which time the court must dismiss the action or order service within a specified time. If the  
6 plaintiff shows good cause for failure to effectuate service, the court must extend the service  
7 deadline for an appropriate period. *See* Fed. R. Civ. P. 4(m).

8 Here, Plaintiff has attempted to serve Defendant at nine different addresses, left  
9 summonses at the residence owned by Defendant, mailed summonses to Defendant's last five  
10 known addresses, attempted to serve Defendant at his job, and attempted to leave a summons  
11 with Defendant's sister. (*See* Dkt. No. 10 at 6–14). None have been successful. Each effort to  
12 serve Defendant at his known addresses over a two-month period failed. (*Id.*) When a process  
13 server attempted to serve Defendant at his job, the person later identified as Defendant ignored  
14 the process server and refused to acknowledge his identity. (*Id.*) And Defendant's sister refused  
15 to accept service on Defendant's behalf. (*Id.*)

16 Thus, Plaintiff has demonstrated its many attempts to serve Defendant with copies of the  
17 summons and complaint. (*See id.*; Dkt. No. 11-1 at 8–40.) And it appears that Defendant has  
18 successfully evaded service despite Plaintiff's good faith efforts. Accordingly, under Rule 4(m),  
19 the Court must extend the service deadline for an appropriate period.

### 20 **B. Service by Publication**

21 Federal Rule of Civil Procedure 4(e) allows for service on individuals by complying with  
22 state law regarding service where service is not possible despite good faith efforts. Plaintiff has  
23 shown that it has been unable to effectuate service despite its good faith efforts. *See supra*  
24 Section II.1. Therefore, pursuant to Rule 4(e), the Court looks to Washington state law on  
25 service. Wash. Rev. Code § 4.28.100(2) allows service by publication when the plaintiff has  
26 made good faith efforts to serve the defendant and it appears the defendant has departed the state

1 or is attempting to avoid service.

2 Here, Plaintiff has met the criteria set forth by § 4.28.100(2). (*See* Dkt. No. 10 at 2–14.)  
3 Plaintiff's affidavits detail its failure to serve Defendant at home, at work, and at his known  
4 addresses. In fact, when a process server attempted to serve the person later identified as  
5 Defendant at Defendant's place of work, Defendant ignored the process server before leaving the  
6 building. (*Id.* at 2.) It thus appears Defendant is purposefully avoiding being served.  
7 Accordingly, the Court finds that allowing service by publication pursuant to Rule 4(e) and  
8 § 4.28.100(2) is merited in this case.

9 **III. CONCLUSION**

10 For the foregoing reasons, Plaintiff's motion for extension of service deadline and  
11 permission to make service by publication (Dkt. No. 10) is GRANTED. The service deadline is  
12 EXTENDED by 60 days. Plaintiff is GRANTED permission to effectuate service on Defendant  
13 by publication pursuant to Wash. Rev. Code § 4.28.100(2).

14 DATED this 19th day of June 2020.

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18 John C. Coughenour  
19 UNITED STATES DISTRICT JUDGE  
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